

Felony ☒ JUDGE/Assigned Trial
 Minor Offense ☐ MAGISTRATE 8509
 Other Misdemeanor ☐ 1085 4 District Office 3-10-76

U. S. vs.

FAIRLESS, MARCUS M. (2)
 7129 S. Quincy (749-7016)
 Tulsa 74135 defendant

Case Filed Day Mo. Yr. Docket No. Def.
 7 1 76-CR-8 - 1
 No. of 1 *
 Defendants

I. CHARGES

U. S. CODE SECTION
 16:668-668(d)

OFFENSES Possession of dead eagle

COUNTS 1

MAGR. CASE NO. 75-309M

BAIL • RELEASE

☐ Personal Recog.
☐ Unsecured Bond
☐ Conditional Release
 Set (000) ☒ 10% Deposit
 \$ 1 ☐ Surety Bond
 12 date 22 ☐ Collateral
☐ Bail Not Made
☐ Bail Status Changed (See Docket)
☐ 3rd Party Custody
☐ PSA

ATTORNEYS

U.S. Attorney or Asst.
 Hubert H. Bryant, Asst.

Defense: ☐ CJA, ☒ Ret; ☐ Waived, ☐ Self, ☐ None ☐ Other, ☐ LPD, ☐ CD
 Curtis A. Parks PH: 587-7113
 1736 South Carson
 Tulsa, Oklahoma

II. KEY INTERVALS & DATES

1-3-77 C.D. # 15.00 fine 1-1-77 C.D. # 15.00 fine	INDICTMENT <input checked="" type="checkbox"/> Information <input type="checkbox"/> 1-7-76 High Risk Defn. & Date Design'd <input type="checkbox"/> Waived <input type="checkbox"/> Superseding <input type="checkbox"/> <input checked="" type="checkbox"/> Indict/Info <input type="checkbox"/>	2-ARRAIGNMENT 1-15-76 Trial Set For 2-23-76 1st Plea 11 Final Plea	3-TRIAL Vair Dire <input type="checkbox"/> Trial Began <input checked="" type="checkbox"/> J 2-25-76 Trial Ended 2-26-76 <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Not Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Guilty	4-SENTENCE Disposition <input checked="" type="checkbox"/> Convicted <input type="checkbox"/> Acquitted <input type="checkbox"/> Dismissed <input type="checkbox"/> Noll'd/Discontinued* <input type="checkbox"/> On All Charges <input checked="" type="checkbox"/> On Lesser* Offense(s) <input type="checkbox"/> WOP; <input type="checkbox"/> WP*
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III. MAGISTRATE

Search Warrant	Issued 12-22-75 CSB 850e	INITIAL 12-22-75 CSB 850e	INITIAL/No. 12-22-75 CSB 850e	OUTCOME
Summons	Issued	PRELIMINARY EXAMINATION OR REMOVAL HEARING	Date Scheduled 1-8-76	BOND <input type="checkbox"/> Exonerated <input type="checkbox"/> To Transferee District <input type="checkbox"/> Held to Answer to U. S. District Court
Arrest Warrant	Served	<input type="checkbox"/> Waived <input type="checkbox"/> Not Waived	<input checked="" type="checkbox"/> Intervening <input checked="" type="checkbox"/> Indictment	
COMPLAINT	12-22-75 CSB 850e	Tape No.	INITIAL/No.	Magistrate's Initials CSB
OFFENSE (In Complaint)	Without being permitted to do so, did knowingly possess a dead Golden Eagle			

IV. MAGISTRATE & DISTRICT COURT DOCKET ENTRIES

* Show last names and suffix numbers of other defendants on same indictment/information

1976
 DATE PROCEEDINGS
 1-7 Record vote of Grand Jury Concurring, filed in open Ct. rm
 1-7 Indictment, filed in open Court. (AEB-J)rm (Bond fixed at \$1000 Cash)
 1-8 Case set for arraignment for 1/15/76 at 10 a.m.(AEB-J)v-ntc
 1-9 Magistrate papers added to file. rm
 1-9 Appearance bond in amt. of \$1000 (10% cash), filed. rm
 1-9 Order, filed, specifying methods and conditions of release. (CSB-Mag)rm
 1-13 Return on Mag.'s Warrant of Arrest, filed. Rec'd 12-22-75 and executed same by arresting Deft. in Tulsa. v
 1-15-76 Case called for arraignment. Deft. present & represented. Govt. represented. Deft. advised of charge & acknow. receipt of indict., & enters plea of NOT GUILTY. Case set for jury trial 2-23-76, at 9:30 A.M. Deft. given 10 days to file motions & Govt. 5 days to respond. Deft. requests to waive jury trial. Govt. reserves right to object. (AEB-J)b
 2-3- MO: Case set for jury trial 2-23-76, 9:30 A.M.(AEB-J)b nts
 2-23- Case called for jury trial. Deft. present & mld. cert. represented. Govt. represented. Parties announce ready. Jury sworn & selected. Jury to report back for trial on 2-25-76, 9:30 A.M.

V. Excludable Delay

(a) (b) (c) (d)

DATE

(Sheet 1, Page 2) IV. PROCEEDINGS (continued)

V. EXCLUDABLE DELAY

(a) (b) (c) (d)

2-23-76 Return on Criminal Subpoenae to Testify, filed.
Served Herb Nance in Tulsa on 2-23-76. Served Rex Griffin in Tulsa on 2-23-76. Served Basil Kirk in Collinsville on 2-23-76.v

2-24-76 Subpeona to Testify filed and returned; served Kenneth E. Stephens, Jr. on 2-23-76.t

2-26 Case tried to the Jury on 2-25 & 2-26-76. Deft. present & represented. Govt. represented. Parties announce ready. Jury selected & sworn on 2-23-76. Rule is invoked. Pltff. makes opening statement & presents case in chief; witnesses sworn & testify. Pltff. rests. Deft. makes opening statement & presents case in chief; witnesses sworn & testify. Deft's motion for mis-trial denied. Parties rest. Closing arguments made & Court instructs Jury. Bailiff sworn. (2-25, 3:50 P.M.) Jury retires to deliberate. 4:40PM Jury excused until 2-26, 9:30 A.M. (2-26, 9:30 A.M.) Jury returns to deliberate; (10:25 A.M.) Note from jury foreman; Jury returns to Ct. for reading of Mr. Kirk's testimony & retire to deliberate. (3:30PM) Jury returns w/verdict of GUILTY. Verdict, received read & filed in open court. Jury discharged. Verdict spread of record by Clerk. Ct. orders pre-sentence report. Sentence set for 3-10-76, at 10:00 A.M. Deft. advised of right to appeal. Deft. to stand on present bond. (AEB-J)b

2-26 Verdict, finding Deft. GUILTY, filed. b

2-26 Exhibit #1 of Pltff., filed. b

2-26- Note from foreman, filed. b

3-1 MO: Case set for appearance 3-8-76 at 9:30 a.m. (AEB-J)k ntc by phone

3-8 Case called for appearance of Deft. Deft. present & represented. Govt. represented. Bond revoked & Deft. remanded to USM. (AEB-J)b

3-10 Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sentence is pronounced:
Judgment & Sentence - Marcus M. Fairless
Impos. of sentence is suspended & Deft. is placed on probation for a period of two (2) years & is fined \$250.00, payable at rate of \$15 a mo. beginning in April, 1976. Conditions of probation are that Deft. change environment, not associate w/drug users, use drugs or grow marijuana and either marry girl friend or make her move out. (AEB-J)b

3-25 Appl. of def. to exonerate bond, filed. rm o t g

3-29 Order of disbursement, filed. (HDC-J)g

4-9 Application to Withdraw Government's Trial Exhibit, filed. O-J

4-12 Order, filed, allowing w/drawal of Govt's trial exhibit. (HDC-J)k cps mld

3-1 Certificate of Vacation of Conviction. fld. 2 c/c to Probation. ho (AEB-J)

3-1 Order of Discharge from probation. fld 2 c/c to Prob. ho (AEB-J)

LETTER CODES

For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161(h)

A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).

B. NARA Examination (28 U.S.C. 2902).

C. State or Federal trials on other charges.

D. Interlocutory Appeals.

E. Hearings on pretrial motions.

F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).

G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h)(1)(G).

H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.

I. Prosecution deferred by mutual agreement.

M. Unavailability of defendant or essential witness.

N. Period of mental or physical incompetence of defendant to stand trial.

O. Period of NARA Commitment or Treatment.

P. Superseding indictment and/or new charges.

R. Defendant awaiting trial of Co-defendant when no severance has been granted.

T. Continuances Granted per 3161(h)(8) (i.e. ends of justice or complexity of case outweighs defendants' interests).

U. Time between guilty plea and plea withdrawal.

V. Time while moving prisoner from state institutions per transfer/detainer procedure.

W. Grand Jury indictment extended per 3161(b).

Y. Any delay excluded by court order for reasons not included above.

(a) (b) (c) (d)

Interval Ltr. Total
(per Section II) End Date Code Days